



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 7/27/00

Agenda Item 2

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner

SUBJECT: Use Permit No. 00-160-08 – Nextel Communications, Inc. (Applicant), Fairway Park Baptist Church (Owner - Request to construct and operate a telecommunications facility from property developed with a gymnasium/family life center.

The property is located at 31318 Medinah Street, southeast corner of Medinah and Gresel Streets in a CO (Office Commercial) District

RECOMMENDATION

It is recommended that the Planning Commission find that the project is exempt from environmental review, and approve the project subject to the attached findings and conditions.

DISCUSSION

The developed property contains an 8,500-square-foot gymnasium/family life center that is operated by the Fairway Park Baptist Church and school (American Heritage Christian School) located across the street on Medinah. The gymnasium was approved by the City Council on March 22, 1988. The purpose of the building is to serve students at the church school across the street for basketball and volleyball and by church members for dinners and other church activities. The site is generally flat with only minor elevation grades at the west and north sides of the building where stairs and ramps are provided. The building covers approximately the northerly 70 percent of the site, and a 16-stall parking lot is located on the southerly end of the property with vehicular access from Medinah Street.

Adjacent Land Use And Zoning

- North - Fairway Park Shopping Center and Shell Service Station/Car Wash across Gresel Street. (CN)
- East - Mission Boulevard Greenway (A) and single-family dwellings located across Mission Boulevard. (RS)
- south - Single-family dwellings (RS)
- West - Across Medinah Street, Fairway Park Baptist Church and school and other single-family dwellings. (CO, RS)

Nextel Communications, Inc. requests approval for the construction and operation of an unmanned telecommunications facility to be located on the site. The communications facility will use Nextel's exclusive Enhanced Special Mobilized Radio (ESMR) technology and is a component of the applicant's developing network for Alameda County. Specifically this site covers Mission Boulevard, and will link with other Nextel sites in the surrounding area.

The proposal is to add an antenna array on the roof of the church gymnasium that will be enclosed within a screen that will resemble a church cupola and topped with a painted metal cross. The cupola has been designed to reflect the **building** materials and colors of the main structure. The cupola roof will be a **blue** seamed metal roof. The screen walls will be fiberglass to allow the radio signals to pass, but this material can be textured and trimmed to match the rest of the stucco on the gymnasium. Staff believes that the cupola enhances the building by breaking up **the** ridgeline of the roof and by identifying the building as a religious facility. A small canopy will be added over the Gresel Street (north wall) building entrance to enhance it at the ground level. Wood trellises also will be added to the sides of this new entry to set it off and provide an area for flowering vines. The height to the top of the proposed cupola will be 46 feet 8 inches, or 11.5 feet above the 35-foot high building. While the height limit in the CO District is 40 feet, the General Regulations of the Zoning Ordinance exempt church steeples from height requirements as long as the steeples are in scale with the design of **the** church/religious facility and surroundings, as determined by the Planning Director or other approval authority (2.0. Sec. 10-1.230, page 10-269). Staff believes that the proposed steeple is in scale with the building.

In conjunction with the antenna array needed for facility, a, 10-foot-wide by 20-foot-long, 10-foot-high equipment shelter will be located within the parking lot at the south side of the building. This pre-manufactured shelter is self-contained and can be painted to match the building. Because of its height, the structure will be **partly** seen above **the** fence along Mission Boulevard. Staff suggests **that** additional plant material be placed within the Mission Boulevard frontage landscaping to form a dense screen. With the shelter being placed behind the building and at the back of the parking area, it should not be impacting to the general public or to neighboring properties.

The placement of **the** shelter within the parking area necessitates **the** removal of 2 of the 16 parking spaces. In 1988, the building approval did not include any requirement for parking. The gymnasium is considered ancillary to the church and **school** across the street and the parking requirement is based on the seating capacity of the church. The church had been constructed prior to the Zoning Ordinance and Off-Street Parking Regulations requiring parking on-site. The church has approximately 44 spaces along the street frontages of **the** church and also has an agreement with the shopping center to utilize parking on their property.

Nextel has been authorized by the Federal Communications Commission (FCC) to construct and operate the first multi-purpose digital ESMR system in the United States. This communication system is currently used by consumer goods and services companies such as construction **firms**, passenger shuttle companies and messenger services. Nextel also offers services to local police, fire, emergency, and public service agencies as well as to the general public.

The fully digital ESMR mobile communication system will operate in the 806 to 866 megahertz frequency band. Although the Nextel system uses similar frequencies as the classic cellular systems (GTE and Cellular One), the Nextel system and target market differ from both the cellular companies and the Personal Communication Services (PCS) by offering both wireless digital and dispatching communications off of one hand-set. By providing multiple functions on the same hand-held device, the Nextel communicator can serve as a one-to-one “walkie talkie” to another person in the same work group; it can allow one person to talk to an entire work group simultaneously for an impromptu wireless staff meeting; and it can also serve as a cellular telephone for private, personal conversations. Nextel currently operates from numerous antenna sites in the Alameda County area, with approvals or applications pending for more sites in order to expand and improve its network. The typical Nextel customers are emergency service providers and other commercial users requiring direct communication between employees.

Since there is coverage in most of Hayward, the principal reason for this site is to add capacity to the system to handle the increased number of customers and to avoid dropped and blocked calls.

After construction is complete, the site will be visited once or twice a month for routine maintenance purposes. Each Nextel facility is monitored 24 hours/day, electronically, for intrusion and environmental disruption. The facility will also contain a small sign identifying an “800” number to call in case of an emergency. The “800” number is manned 24 hours/day by Nextel employees. The sign also identifies the site as a Nextel facility and complies fully with all FCC regulations regarding **signage** at the facility.

In regards to television/radio interference, SMR is an **extremely** low-power facility, employing only a small fraction of the power used by television and radio broadcasters. Nextel is licensed by the FCC to operate specifically within a certain band frequency thereby eliminating any potential interference with radio or television transmission reception in the area.

A use permit application is being requested for this facility by staff since the antenna is being placed within a single-family neighborhood, since the structure on which it is to be placed has been controversial in its design to many of the neighbors and since several individuals expressed concern regarding the project upon receiving notice of the application. The proposed facility follows the intent of the Antenna and Telecommunications Facilities Ordinance of the City within residential areas by placing the antenna on an existing building and screening the **antenna** fully from view.

Conformance with the General Plan, Zoning Ordinance and Neighborhood Plan

The General Plan Map designation for the property and surrounding area is “Retail/Office Commercial”. The telecommunications facility proposed on the site is considered an accessory use to the primary religious family life center operation on the property. The use and design of the facility is consistent with both the General Policies Plan and the Fairway Park Neighborhood Plan. One of the land use policies of the neighborhood plan is to promote revitalization of existing commercial areas along Mission Boulevard and attract neighborhood-serving businesses, consistent with the objectives of the Economic Development Action Plan and Economic

Development Element. While the wireless telecommunications facility proposed by Nextel provides service to a much larger area than the immediate neighborhood, the facility can also be considered partly neighborhood serving in that it provides a wireless communication network service for businesses and residents located within the immediate area. Business and users of such a service can better compete with those who already have the service.

Environmental Review

Staff finds that the proposed antenna and equipment shelter produces no noise, smoke, odors or refuse. It does not present a safety hazard, and creates minimal vehicular traffic (typically one to two cars per month.) Operation of the facility will not conflict with other existing uses in the area. Construction will result in minimal disturbance to the surrounding area.

The proposed Nextel ESMR facility will result in no significant impact to the environment or to the area in which it is located. Staff believes that the project should be considered exempt under the California Environmental Quality Control Act (CEQA) under Section 15303, Class 3, New Construction or Conversion of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures.

Public Notice

On March 17, 2000, a Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Fairway Park Neighborhood Task Force members and the California Department of Transportation. The Notice provided an opportunity for persons to comment on the project at the early stages of the submittal. Staff has received verbal comments from several members of the homeowners association. The applicant has held two neighborhood meetings to discuss the placement of the antenna at the church facility. Both meetings had a large number of interested residents who attended. At the first meeting, many residents voiced their concern of the placement of a box on top of the building and indicated that they might find the use acceptable if the applicant were to improve the design of the building. . With that direction, Nextel redesigned the antenna screen to the now proposed cupola. This design was presented to many neighborhood residents at a regularly scheduled neighborhood association meeting and was found to be acceptable.

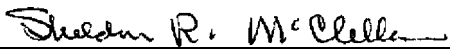
On July 14, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Fairway Park Neighborhood Task Force members and the California Department of Transportation.

CONCLUSION

Staff recommends approval of the use permit to allow the telecommunications facility and believes it to be consistent with the adopted Antenna and Telecommunications Facilities Ordinance, the General Policies Plan and the Fairway Park Neighborhood Plan. The applicant has met twice with the neighborhood representatives and has incorporated their comments into the proposed design. Even though many of the neighborhood residents find the building unattractive and


obtrusive, they believe that the the applicant has tried to improve the design by incorporating a design element that adds interest to the building and screens the antennas from view.

Prepared by:



Sheldon R. McClellan
Senior Planner

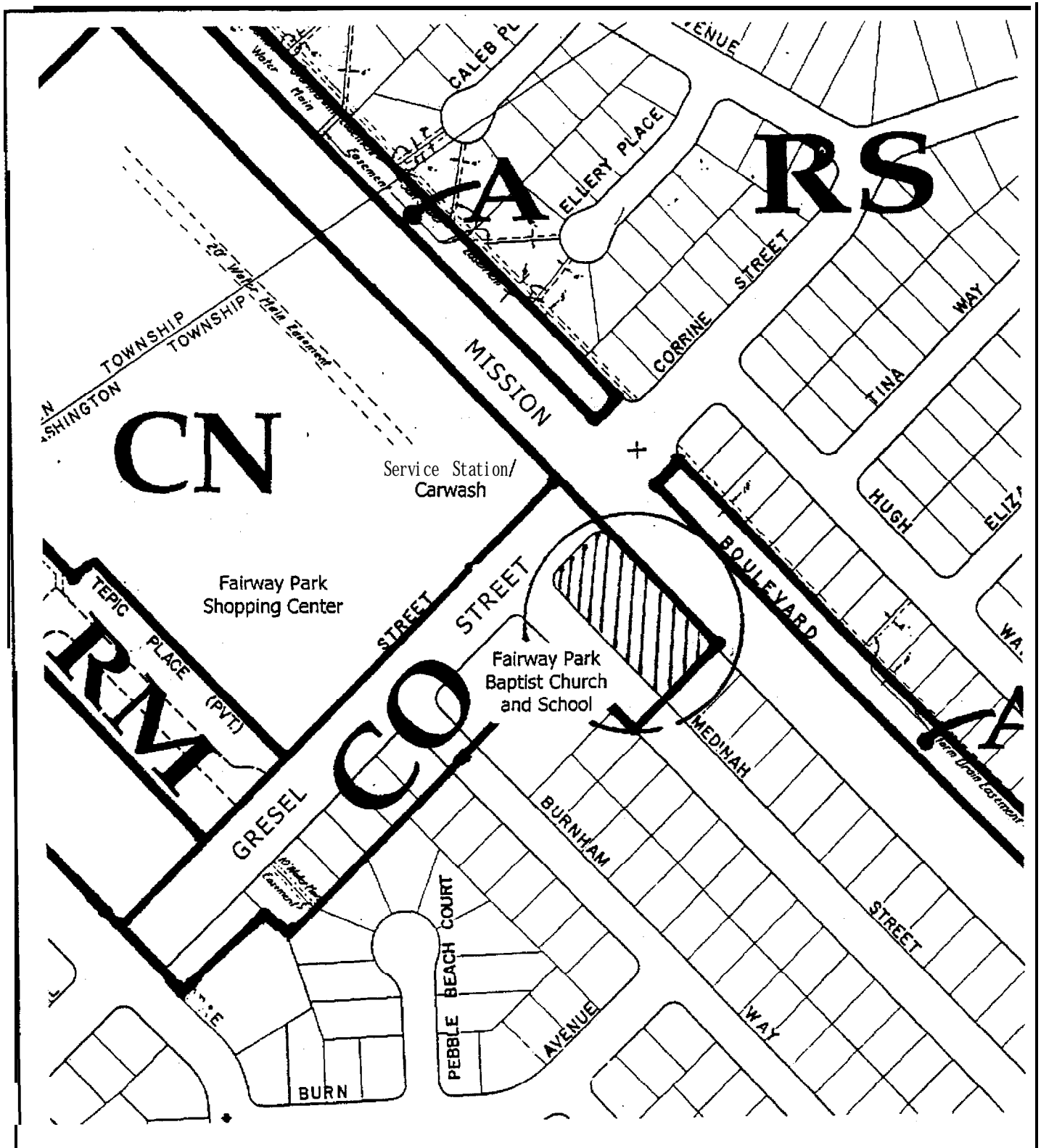
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A Area Map
- B Findings for Approval
- C Conditions of Approval
Development Plans & Photo Simulations



▲
North
1" = 200'

**ZONING / AREA MAP
UP 00-160-08**

Nextel Communications, Inc. (Applicant)
Fairway Park Baptist Church (Owner)
31318 Medinah Street

FINDINGS FOR APPROVAL

Use Permit No. 00-160-08
Nextel Communications, Inc. (Applicant)
Fairway Park Baptist Church (Owner)

3 13 18 ~~Medinah~~ Street

Request to construct and operate a telecommunications facility from property developed with a church gymnasium.

- A. That approval of Use Permit No. 00-160-08 as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgement and is exempt from CEQA review because of the small size of the proposed telecommunications facility; and
- B. That the proposed telecommunications facility will not impair the character and integrity of the Office Commercial District or surrounding area in that the number of telecommunications facilities in the area **will** be limited by the adopted ordinance (Article 13 of Chapter 10 of the Hayward Municipal Code) that spaces such facilities out for visual purposes and that the antenna array will be totally **concealed** within a screen element; and
- C. That the proposed antenna facility will not be detrimental to the public health, safety or general welfare in that the telecommunications antenna will be conditionally approved to properly regulate the operating procedures and activities associated with the use;
- D. That the proposed use is permitted subject to a use permit approval and that the use as proposed is consistent with the General Plan and applicable City regulations adopted under the City of Hayward Municipal Code (Article 13 of Chapter 10/**Antenna** and Telecommunications Facilities Ordinance);
- E. That the proposed antenna facility is desirable for the public convenience or welfare in that the telecommunication facility provides for a communication system that is used by consumer goods and services companies such as construction firms, passenger shuttle companies and messenger services as well as services to local police, fire, emergency, and public service agencies and to the general public; and
- F. That the proposed use is in harmony with applicable City policies and the intent and purposes of the CO District by **following** the Zoning Ordinance regulations as to setbacks, building height, and design criteria established as a part of the City Design Guidelines.

CONDITIONS OF APPROVAL

Use Permit No. 00-160-08

Nextel Communications, Inc. (Applicant)

Fairway Park Baptist Church (Owner)

3 13 18 **Medinah** Street

Request to construct and operate a telecommunications facility from property developed with a church gymnasium.

GENERAL

1. The improvements shall be constructed and operated in accordance with these conditions and plans approved by the Planning Commission on July 27, 2000, labeled Exhibit "A", as amended by these conditions of approval,
2. This approval is void one year after the effective date of approval (on July 27, 2001), unless the City has accepted a building permit or construction and demolition permits as complete. Any modification to ~~the~~ approved plans shall require review and approval by the Planning Director. A request for a one-year extension(s), approval of which is not guaranteed, must be submitted to the Planning Division by June 27, 2001.
3. Prior to the finalization of City building or construction permits, and prior to the onset of business operation, all conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
4. Violation of these conditions is cause for revocation of the use permit after public hearing before the duly authorized review body.
5. Applicant shall apply for **all** necessary building permits from the Building Division. All structures and building improvements must be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward.
6. All activities shall be conducted entirely within the enclosed equipment shelter. No storage of materials, equipment or supplies shall be permitted outside of the equipment **building**.
7. The cupola (antenna screen) and equipment shelter shall be constructed of materials and colors that reflect those used on the building. All colors and materials shall be approved by the Director of Community and Economic Development/Planning Director prior to the issuance of a building permit.
8. Prior to issuance of a building permit, the applicant shall provide a letter of credit, bond, or other instrument which the City Engineer deems sufficient to secure 150 percent of the

estimated cost of removing the applicant's antenna and other telecommunications facilities and restoring the site to its condition before installation of such facility when such antenna or other facility is relocated, terminated, abandoned or becomes obsolete.

9. Unless a new permit is issued within 180 days thereafter, all improvements installed including their foundation shall be removed from the property and the site restored to its natural pre-construction state within 180 days of Permit expiration, revocation or abandonment.
10. The applicant shall provide notification to the Planning Director upon cessation of operations, or expiration of its permit, subject to the determination of the Planning Director that the use of the site has ceased for a period of six months. Should the owner fail to effect such removal, the property owner shall be responsible for the removal of the equipment.
11. Any future replacement or reinstallation of structures or equipment at this telecommunication facility shall be subject to the requirements and standards of the City of Hayward at that time.
12. Prior to issuance of a building permit for the telecommunications facilities, the property owner shall restore all Church and school property at this location to the condition of previous use permit approval action. Work shall include replanting of missing landscaping, the irrigation system shall be made operative, that the property be clean up by removing all weeds, garbage and debris.
13. Prior to issuance of a building permit, all building violations shall have been corrected and building permits issued for work done at the Church and school facility.
14. Prior to issuance of building permit, the applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:
 - a. The Landscaping Plan shall increase the planting of shrubs that will fill in the gaps along Mission Boulevard to screen the equipment shelter
 - b. Revised plantings shall enhance the front building elevation along Gresel Street. Flowering vine plants or other approved plant material shall be planted on the decorative trellises to be erected.
15. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

16. A trash enclosure and recycling area shall be erected on site. The enclosure walls shall be decorative masonry block with a solid metal access gate. The enclosure shall be ~~smooth-~~ faced concrete block with stucco coat to match the color and texture of the gymnasium exterior. The enclosure shall be roofed per State requirements No other area of the site shall drain onto ~~this~~ enclosure area. The property owner will work ~~with~~ City Solid Waste Management personnel to provide adequate area within the enclosure for storage of recycling material. All materials, colors and enclosure details shall be approved by the Planning Director prior to issuance of a Building Permit.
17. The property owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. **The** premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
18. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.
19. If it comes to the attention of the Planning Director that there are problems occurring as a result of the shelter fans or other related noise, the Director may bring this use permit application to the Planning Commission for consideration of imposing additional conditions or restrictions or for revocation,